

Montana Death Penalty Fact Sheet

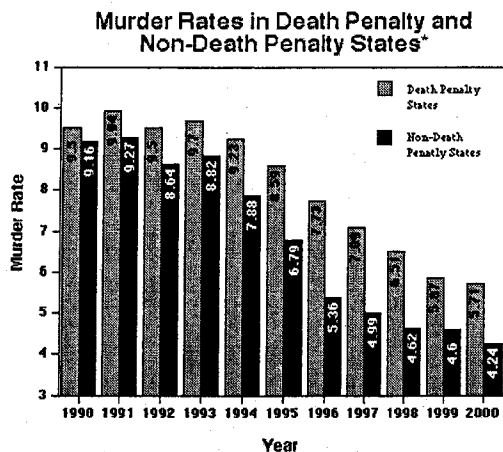
EXHIBIT

DATE

3/9/07

304

23



Who? Fairly Applied?

74 Individuals have been executed in the name of the territory and state of Montana. Of these, almost **23%** have been minorities. According to census data statistics from 1870 – 1990, the minority population has never been over 11.1%.

Nationally, death sentences are incurred for only about **1%** of homicides in the US known to Police; and only **2%** of people convicted of homicide are sentenced to death.

Innocence?

Between 1973 and the present, **123** individuals have been convicted, sentenced to death, and later exonerated of the crime for which they were convicted, some escaping the death penalty by mere hours. A study by Columbia Professor James Liebman concluded that **1 in 20** death row inmates is later found not guilty. *Statistics suggest that any state that preserves the death penalty will, at some point, put to death an innocent man.*

Wrongful Convictions in Montana?

In non capital cases the following men were wrongly convicted and later exonerated (by DNA) of the crimes for which they were accused:

- Jimmy Ray Bromgard (30 years for aggravated burglary, sexual intercourse without consent)
- Chester Bauer (30 years for rape and assault)
- Paul D. Kordonowy (40 years for sexual intercourse without consent)

Who has abolished the death penalty?

Every Western industrialized nation except the United States. Domestically, 12 states (including neighbor North Dakota), and all US territories have abolished the death penalty.

Cost?

Every state that has done a cost study of its death penalty study has found it be **substantially more expensive** where prosecutors seek lengthy prison sentences (LWOP) instead of the death penalty. These include studies or analysis in **TN, KS, IN, FL, NC, ID, TX, CA, CT, NJ**.

Cost Continued

Nationally, Only 10 – 30 % of individuals tried with capital cases are actually sentenced to death; and of these, 39% will be overturned by judicial review or clemency (Stewart). Death penalty cases incur numerous extra costs. In Montana, 46% of capital sentences have been overturned (6 of 13 convictions). Nevertheless, all cases where the prosecutor asks for the death penalty incur capital costs (due to the extra burden of the penalty and mitigating phases and the extra cost of additional, required counsel).

Murder Rates per 100,000 People

YEAR	2005	2004	2003	2002	2001	2000	1999	1998	1997	1996	1995
Montana	1.9	3.2	3.3	1.8	3.8	1.8	2.6	4.1	4.8	3.9	3.0
North Dakota*	1.1	1.4	1.9	0.8	1.1	0.6	1.6	1.1	0.9	2.2	0.9
Wyoming	2.7	2.2	2.8	3.0	1.8	2.4	2.3	4.8	3.5	3.3	2.1
South Dakota	2.3	2.3	1.3	1.4	0.9	0.9	2.5	1.4	1.4	1.2	1.8
Idaho	2.4	2.2	1.8	2.7	2.3	1.2	2.0	2.9	3.2	3.6	4.1

*North Dakota is Montana's only neighbor without the death penalty and it is consistently lower than any of Montana or its neighbors in terms of murder rates (FBI Uniform Crime Statistics for 2005).

Deterrence?

A **2004 study** by economist Joanna M. Shepherd concluded that executions have **no effect** on the amount of murders in Montana.

18 of 20 states with the highest murder rates have and use the death penalty.

17 of the nation's **20** big cities with the highest murder rates are in death penalty jurisdictions.

A 1995 poll by the National League of Cities placed the death penalty **last** in a long list of measures most likely to reduce crimes (State of American Cities, 1/1995). Another 1995 poll of the nation's police chiefs revealed that the police **do not believe** the death penalty is effective in fighting crime, and most said it is not an effective law enforcement tool (Murphy, *Death Penalty Useless*).

Over two decades, the neighboring states of Indiana (which regularly imposes death sentences) and Michigan (with no death penalty), have had **virtually indistinguishable homicide rates** (The Death Penalty, ed. By Hayley R. Mitchell, p. 64).

Immediate impact studies that compare the homicide rates following a highly publicized execution have found **no decrease** in murders directly after the execution and actually found that the murder rate **increased** (Dann, 1935; Thompson, 1999).

Montana Execution Statistics (2007):

	Number Executed	Percentage of Total
White	57	77.03%
Black	9	12.16%
Native American	5	6.76%
Asian	2	2.70%
Hispanic	1	1.35%
(Minority Total)	17	22.97%
Total	74	100 %
Male	74	100%
Female	0	0%

**According to Census data statistics from 1870 – 1990, the minority population has never been over 11.1%*